

**REMARKS**

This Amendment serves as a submission accompanying the RCE filed herewith. Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks

**INTERVIEW SUMMARY**

Examiner Hannet and counsel for Applicant conducted a telephone interview on October 13, 2003. Applicant's counsel pointed out that a previously filed request for reconsideration was incorrectly viewed as an after Final Amendment. The Examiner agreed to issue a response to the request.

**CLAIM STATUS**

Claims 1-29 are pending. Claims 1-14, 16-18, 20, 21, 23-25 and 27-29 are rejected. Claims 15, 19, 22, and 26 are indicated as including allowable subject matter and are objected to for depending from rejected base claims. Of the pending claims, claims 1, 3, 5, 7, 9, 11, 13, 16, 18, 20, 23, 25 and 27-29 are independent.

Claims 1, 3, 5, 7, 9, 11, 13, 18, 20 and 25 have been amended herein, and claims 15, 19, 22, and 26 are canceled.

**REJECTION**

Claims 1-14, 16-18, 20, 21, 23-25 and 27-29 are rejected under 35 U.S.C. §103(a). Claims 1-12 are rejected over Kawasaki et al. (U.S. Pat. No. 5,331,367) in view of Suda et al. (U.S. Published App. 2002/0109784). Claims 13, 14, 16-18, 20, 21, 23-25 and 27-29 are rejected over Suda et al. in view of Sekine et al. (U.S. Pat. No. 5,587,737).

Claims 13, 18, 20 and 25 have been amended to include the limitations of their respective allowable dependent claims 15, 19, 22, and 26. Thus, Applicants respectfully request

the allowance of these claims because they incorporate the limitations of allowable claims 15, 19, 22, and 26 and are written in independent form. Applicants also respectfully request the allowance of claims 14 and 21, which depend from allowable claims 13 and 20 respectively.

Independent claims 1, 3, 5, 7, 9 and 11 have been amended to additionally require the changing of “a focus speed.” These limitations are supported by disclosure throughout the application, see e.g. pages 38-41 and 49-55, thus no new matter has been added. Moreover, this limitation is not obvious in view of the prior art. Accordingly, Applicant respectfully requests allowance of these claims.

With respect to claims 16, 23, 27, 28 and 29, neither of the cited references Suda and Sekine disclose that a focus detection characteristic in zooming operation is improved by changing an averaging time of a focus evaluation value that represents a sharpness of an image, on the basis of a brightness of an object being photographed.

With respect to claim 29, the cited references do not disclose that a focus detection characteristic in zooming operation is improved by changing an averaging time of a focus evaluation value that represents a sharpness of an image, on the basis of blurring information.

With respect to claim 28, the cited references do not disclose that a focus detection characteristic in zooming operation is improve by changing an averaging time of a focus evaluation value that represents a sharpness of an image, on the basis of zooming speed.

Sekine merely discloses that a blur correction characteristic is controlled on the basis of the accumulation time, but does not disclose an operation that is related with zooming.

Therefore, Kawasaki, Suda and Sekine, taken individually or in combination, do not teach or suggest the present invention as recited in the independent claims. The present

invention as recited in each of the independent claims is thus clearly distinguishable from the cited art in at least the several respects stated above and neither anticipated by nor rendered obvious in view of Kawasaki, Suda and Sekine, taken individually or in combination for at least the reasons stated.

### **Dependent Claims**

Applicant has not independently addressed the rejections of each of the dependent claims because Applicant submits that the dependent claims are also believed allowable for at least similar reasons as stated for the independent claims from which they depend. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

### **CONCLUSION**

Accordingly, Applicant respectfully requests reconsideration and allowance of this application.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. , Order No. 1232-4512.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 30, 2003

By: 

Richard Martinelli  
Registration No. 52,003

Correspondence Address:

Morgan & Finnegan, L.L.P.  
345 Park Avenue  
New York, NY 10154  
(212) 758-4800 (Telephone)  
(212) 751-6849 (Facsimile)